

ORDINANCE No 15 of 29 January 1998 (\*updated\*)

concerning the European Institute of Romania

(updated until 10 May 2009)

ISSUER: THE GOVERNMENT

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Under Article 1 (s) of Law No 221/1997 concerning the Government's entitlement to issue ordinances,

The Government of Romania hereby issues the following ordinance:

CHAPTER I

General provisions

ARTICLE 1

(1) The European Institute of Romania is hereby established, a public institution which has legal personality, under the authority of the Government of Romania, coordinated by the Department for European Affairs.

(2) The European Institute of Romania seeks to support, through its work, the decision-making process and the application of the governmental policies that derive from Romania's statute of Member State of the European Union.

(3) The European Institute of Romania's registered office is in Bucharest, Bd. Regina Elisabeta nr. 7-9, sector 3. The premises are provided, rent-free, by Regia Autonoma "Administratia Patrimoniului Protocolului de Stat".

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CHAPTER II

The attributions of the European Institute of Romania

ARTICLE 2

The European Institute of Romania has the following objectives:

a) to support the substantiation and implementation of the policies of the Government of Romania in the field of European affairs;

b) to increase the level of knowledge and competence of the civil servants and other socio-professional categories in the field of European affairs;

c) to improve the access to Community law, to the case-law of the European Court of Human Rights and to the Romanian law relevant to the field of European affairs, as well as their understanding and implementation;

d) to contribute to the development of the European spirit and values.

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### ARTICLE 3

(1) In view of reaching the objectives set in Article 2, the European Institute of Romania has, under conditions of independence and scientific objectivity, the following responsibilities:

a) to conduct activities of research and development, by conducting studies, developing analyses and points of view on activities in the field of European affairs, including, for the purpose of substantiating Romania's positions expressed within the European Union, the measures necessary to fulfilling its obligations as a Member State and representing its interests before Community institutions;

b) to conduct short-term and long-term professional training activities and programmes in the field of European affairs, including the preparation for the competitions and selection processes of the European Union's institutions, addressed to civil servants and other employees of the central and local administration, as well as to other interested socio-professional categories;

c) to ensure the translation into Romanian, as well as the linguistic and legal revisions of the *acquis communautaire* adopted before Romania's accession to the European Union and of the case-law of the European Court of Human Rights, as well as the translation of Romanian legal texts into other official languages of the European Union, through terminological unification and coordination of the translations at national level;

d) to organize public communication activities in the field of European affairs, by organizing public conferences, seminars, round tables, debates and other activities and communication products, for the promotion of the European values and spirit at the level of public administration, academic environment, business environment and public opinion;

e) to realize and publish the periodical “Romanian Journal of European Affairs” and other publications in its field of activity;

f) to realize other kinds of translations different from those provided for at point (c), to elaborate works and educational or information materials in its field of activity.

(2) In view of fulfilling the responsibilities provided for in paragraph (1), the European Institute of Romania may establish, under the law, partnerships, cooperation agreements and contracts with other public or private institutions and/or with local or foreign specialists.

#### ARTICLE 4

(1) The financing of the European Institute of Romania’s functioning and capital expenditures is ensured through State budget allocations and own revenue.

(2) The granting of the budget allocations provided for in paragraph (1) is done through the budget of the Department for European Affairs, which is a secondary authorizing officer.

(3) The European Institute of Romania’s own revenue is generated, in view of fulfilling the objectives and responsibilities set in this ordinance, by studies, analyses and programmes, conducted on research agreements, by participation fees paid for taking part to training activities, by selling publications, by organising communication or professional training sessions, conferences and scientific events, by providing translation services, terminological coordination and unification and other included activities, conducted on a contractual basis or in a public-private partnership or in a partnership with other public institutions, as well as by non-refundable financing duly used by the institute.

(4) The European Institute of Romania may accept and use donations and sponsorships under the law.

#### ARTICLE 5

(1) The activities of the European Institute of Romania are submitted to the Administrative Board, at the initiative of the Director General and of the Scientific Advisory Board or at the

request of other entities concerned, to be included in its annual programme, while first ensuring the fulfilment of the objectives provided for in Article 1(2) and the response to the demands of the public authorities.

(2) The annual programme is submitted to the approval of the Department for European Affairs on 1 July of the respective year, for the following year. The Department for European Affairs has 45 days at its disposal to approve the annual programme or to issue a reasoned request for its modification.

(3) The European Institute of Romania may conduct projects complementary to those set in the annual programme, upon a proposal from the Administrative Board of the European Institute of Romania and with the opinion of the Department for European Affairs, by accessing non-refundable financing projects, under the law.

#### ARTICLE 5<sup>1</sup>

The organisational structure of the European Institute of Romania and the way to exercise its responsibilities are established through its Statute, in compliance with the provisions of this ordinance.

#### ARTICLE 6

The European Institute of Romania may duly contract service provisions with providers from the public or private sector in its field.

#### CHAPTER III

The organisation, the functioning and the management of the European Institute of Romania

#### ARTICLE 7

The European Institute of Romania is administered by an Administrative Board .

#### ARTICLE 8

(1) The Administrative Board of the European Institute of Romania is made up of 9 members, as follows:

a) the Chairperson and other 4 members appointed by the Prime Minister upon a proposal of the Department for European Affairs;

b) a member appointed by the Commission for European Affairs of the Romanian Parliament, a public personality with a significant established activity in the field of European affairs;

c) a member appointed by the Romanian Academy from among the scientific personalities with a significant established activity in the field of European affairs;

d) a member appointed by the employers' organisations which are representative at national level;

e) a member appointed by the trade unions which are representative at national level.

(2) The employers' organisations and trade unions which fulfil the conditions provided for by Law No 130/1996 concerning the collective employment agreement, republished, with its subsequent completions, are representative at national level.

(3) In the case of members appointed by the employers' organisations or by the trade unions, the appointment is made by the employers' organisations and, respectively, by the trade unions representative at national level, by consensus.

(4) The members of the Administrative Board may not be civil servants.

## ARTICLE 9

The Administrative Board has the following responsibilities:

a) to approve the strategy and the projects of the European Institute of Romania;

b) to appoint and recall the Director General of the European Institute of Romania;

c) to debate the annual programme and submit it to the Department for European Affairs for approval, upon a proposal of the Director General;

d) to debate the annual report of the European Institute of Romania, upon a proposal of the Director General, and submit it to the Department for European Affairs for approval;

e) to debate the draft of the annual revenue and of the expenditure budget, to submit it to the Department for European Affairs for approval, upon a proposal of the Director General, as well as to implement the budget of the previous year;

f) to approve the Director General's report regarding their discharge for the period analysed;

g) to approve the structure, the statute and the regulation of the organisation and functioning of the European Institute of Romania;

h) to endorse the collaboration with national and international organisations, as well as the to affiliate to international organisations.

#### ARTICLE 10

(1) The term of office for the members of the Administrative Board is of 4 years.

(2) During their term of office, the members of the Administrative Board may be recalled by the appointers.

(3) In case of vacant seats in the Administrative Board, following resignation, recalling or demise, new members are appointed until the completion of the initial term of office.

#### ARTICLE 11

(1) The Administrative Board meets quarterly or whenever necessary, at the request of the Chairperson, of the Director General or of one third of its members.

(2) The Administrative Board is considered legally assembled in the presence of two thirds of its members.

(3) The decisions of the Administrative Board are adopted with at least two thirds of its members.

#### ARTICLE 12

(1) The operative managing of the European Institute of Romania is exercised by the Director General, who is a tertiary authorizing officer.

(2) The Director General of the European Institute of Romania is appointed by the Administrative Board for 5 years, upon a proposal of its Chairperson. The Director General's term of office may be renewed.

(3) The vacancy in the Director General seat may follow resignation or other causes provided for by law.

#### ARTICLE 13

(1) The Director General represents the European Institute of Romania in relation to third parties.

(2) The responsibilities of the Director General are provided for in the Statute of the European Institute of Romania.

#### ARTICLE 14

(1) The European Institute of Romania has a maximum of 85 positions, of which 84 are specialized.

(2) The personnel of the European Institute of Romania are employed following a competition.

#### ARTICLE 15

(1) A Scientific Advisory Board, which contributes to the drawing up of the medium and long-term strategy and of the annual activity programmes of the European Institute of Romania, is established by decision of the Director General.

(2) The Scientific Advisory Board includes a maximum of 9 members. The members of the Scientific Advisory Board are high standing personalities in the fields they represent.

(3) The Statute of the European Institute of Romania establishes the responsibilities of the Scientific Advisory Board.

#### CHAPTER IV

##### Final provisions

#### ARTICLE 18

(1) Recruitment and wages of the specialized personnel and of the other categories of personnel are established in compliance with the positions provided for in Chapter I of Annex I and, respectively, with those provided for in Annex V to the Emergency Government Ordinance No 24/2000 concerning the system used for establishing the basic wages for the contract personnel in the public sector. Managerial allowances are established within the limits provided for in Annex VI/1 to the same emergency ordinance.

(2) Specialised personnel may benefit, in addition to the wages established according to the law, from a personal salary that should not exceed the basic salary on recruitment. The personal salary is not included in the basic salary, but it is taken into consideration when establishing the rights and obligations calculated by reference to the earnings.

(3) The criteria for granting the personal salary shall be established by a decision of the Administrative Board.

(4) The personnel of the European Institute of Romania coordinating and revising the translation of the *acquis communautaire* in Romanian, and of the Romanian legislation in the European Union's working languages, as well as the personnel coordinating the communication, training and European affairs research activities benefit from a supplement for conducting activities of national interest, of 50% of the basic salary. The other categories of personnel benefit from a supplement of 15% of the basic salary.

(5) The Administrative Board establishes the personnel categories in relation to the criteria provided for in paragraph (4).

#### ARTICLE 19

The personnel recruited by the European Institute of Romania from the public administration are considered transferred.

#### ARTICLE 20

The members of the Administrative Board who take part in meetings benefit from a meeting allowance of 10% of the Director General's basic monthly salary. The total amount due to a member of the Administrative Board following their participation to meetings should not exceed 20% of the Director General's monthly basic salary, per month.

#### ARTICLE 21



For the activity conducted, the members of the Scientific Advisory Board receive a quarterly allowance equivalent to the monthly basic salary of a director within the European Institute of Romania.

#### ARTICLE 23

The Statute of the European Institute of Romania is drawn up and subject to the Administrative Board for approval within 60 days from the entering into force of this ordinance.

PRIME MINISTER

VICTOR CIORBEA

Countersign:

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European Integration Minister-Delegate by the Prime Minister,

Alexandru Herlea

for the Minister of Foreign Affairs,

Lazar Comanescu,

Secretary of State

for the Minister of Finances,

Valentin Lazea,

Secretary of State

Minister of State, Minister of Labor and Social Protection,

Alexandru Athanasiu

Minister of National Education,

Andrei Marga

Note:

1. This is a non-official translation.
2. The initial text was published in the OFFICIAL GAZETTE No 40 of 30 January 1998. This is the form updated by S.C. “Centrul Teritorial de Calcul Electronic” S.A. Piatra-Neamt until 10 May 2009, as amended and completed by: Law No 207 of 11 November 1998; Emergency Ordinance No 73 of 9 June 2000; Emergency Ordinance No 51 of 9 June 2005; Law No 364 of 13 December 2005; Emergency Ordinance No 5 of 9 February 2006; Emergency Ordinance No 177 of 19 November 2008; LAW No 133 of 29 April 2009.
3. The title of the Ordinance has been amended by point 1 of Article I of the Emergency Ordinance No 177 of 19 November 2008, published in the OFFICIAL GAZETTE No 826 of 9 December 2008.